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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
MODESTO DIVISION**

In re

## Debtor.

Case No. 18-90258  
Chapter 7

**JOINT SUPPLEMENTAL BRIEF ON  
MOTION TO AVOID JUDGMENT LIEN**

## Hearing

Date: February 14, 2019

Time: 10:30 a.m.

Dept: E

Place: 1200 I Street, Suite 4  
Modesto, California 95354

Judge: Hon. Ronald H. Sargis

Judgment Creditor, Helen McAbee (“McAbee”) and Interested Party Bernadette Cattaneo (“Cattaneo” and collectively with McAbee the “Objecting Parties”) submit the following brief to supplement the briefing that has already occurred in this matter.

1       The Court needs to decide the value of the residence located at 83 Sanguinetti Court,  
2 Copperopolis, California (the “Property”) and, based on that valuation, determine the amount of  
3 the McAbee Judgment Lien. The parties previously submitted extensive briefing on the  
4 interpretation of Bankruptcy Code Section 522(f) and its application in what is colloquially  
5 referred to as the “Sandwich Lien” scenario.

6       The Court issued a lengthy tentative ruling on its interpretation of Section 522 and heard  
7 brief argument on the matter. The Objecting Parties agree with the Court’s analysis and as such  
8 did not see the need to move forward with the depositions of the Debtor or his father, Michael  
9 Abramson, with respect to the validity and amount of Michael Abramson’s junior deed of trust.

10      With respect to the valuation issue, the Objecting Parties will submit the expert testimony  
11 of Roxana Stobaugh, Aaron Stafford and John Tyler.

12      Ms. Stobaugh is a licensed appraiser and has appraised the Property at \$1,600,000. She  
13 has extensive experience appraising properties in the immediate area to where the Property is  
14 located. Her direct testimony declaration and a copy of her appraisal are being filed along with  
15 this brief.

16      Mr. Stafford is a real estate broker with long-time experience in the specific area where  
17 the Property is located. Mr. Stafford has represented 149 parties in transactions involving real  
18 estate on Lake Tulloch, the lake on which the Property is located. Mr. Stafford’s relevant  
19 experience and expertise includes representing parties on the two most comparable sales, one in  
20 2017 and another in 2018, both on the same road as the Property and located within  
21 approximately 100 yards of the Property. Mr. Stafford issued an opinion of value that the  
22 Property is worth \$1,725,000. His direct testimony and his opinion are filed along with the brief.

23      Finally, Mr. Tyler will provide expert testimony regarding the repair costs for the deck  
24 located on the Property. Debtor asserts that the deck needs replacing and the sizeable cost of  
25 doing so will dramatically lower the value. Mr. Tyler’s direct testimony and his bid for repairing  
26 the deck are filed concurrently with this brief.

1        In short, the Objecting Parties contend that Debtor's asserted value is unreasonably low,  
2 as it suggests that the Property has lost value since 2012 and as such is perhaps the only property  
3 in California to have done so.

4                      DATED: February 5, 2019

5                      FINESTONE HAYES LLP

6                      */s/ Stephen D. Finestone*

7                      Stephen D. Finestone  
8                      Attorney for Bernadette Cattaneo